IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. : 18445 of 2004

Between:

U.Sooramma, W/o Late Appalaswamy, aged 57 years,
R/o D.No.16-305, Sector-V, Plot No.713, Kanakamahalakshmi Nagar,
Arilova, Visakhapatnam

..... PETITIONER

AND

1 The Commissioner, Municipal Corporation of Visakhapatnam,

Visakhapatnam
2 Smt.U.Nookalamma, W/o Late Appalaswamy,
R/o Behind Reddi Hospital, near Sri Rama Talkies, Srinagar,
Visakhapatnam

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction more in the nature of Writ of Mandamus, declaring the action of the respondents in not disposing of representations made by the petitioners one way or the other in spite of lapse of more than a year as being illegal, arbitrary and violative of Articles 14,21 and 300-A of the Constitution of India, consequently direct the respondents to dispose off the representation dated 19-06-2003 and the reminders there to forthwith.

Counsel for the Petitioner: MR.BURUJU PAPA REDDY

Counsel for the Respondent No.1: MR.T.S.VENKATA RAMANA, SC

The Court at the admission stage made the following:

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ORDER:

The petitioner claims that she is the wife of a deceased employee of the 1st respondent Corporation, by name late Appalaswamy. He died on 30.07.1991 in harness while in service. The 2nd respondent also claimed that she is the wife of the deceased employee and she was also provided employment on compassionate grounds.

2. The petitioner contends that she is the legally wedded wife of the deceased employee and the 2nd respondent is not the legally wedded wife of the deceased employee. She further contends that the revenue authorities after making a thorough enquiry cancelled the legal heir certificate of the 2nd respondent and granted legal heir certificate to the petitioner and her children on 16.09.1991. She further contends that she made a representation on 15.06.2003 to the 1st respondent mentioning about her relationship with the deceased employee and the cancellation of the legal heir certificate issued in favour of the 2nd respondent and requesting the 1st respondent to pass appropriate orders on the basis of the legal heir certificate obtained by her from the Mandal Revenue Officer, Visakhapatnam on 16.09.1991. She claims that she also made another representation on 19.06.2003 with similar request.

3. The grievance of the petitioner is that the 1st respondent did not pass any order on her representations regarding her claim for the terminal benefits of the deceased employee and compassionate appointment.

4. In the light of the submissions made by the petitioner, the 1st respondent is directed to examine the representations made by the petitioner and pass appropriate orders according to the rules, within 2 (two) months from the date of receipt of a copy of this order.

5. The writ petition is, accordingly, disposed of. No order as to costs.

dsr

ASSISTANT REGISTRAR

To:

1. The Commissioner, Municipal Corporation

of Visakhapatnam, Visakhapatnam

2. Two CD copies